

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. 2001-295

**MANDATORY PENALTY
AGAINST
7-ELEVEN, INC., LOCATION NO. 20611
NONCOMPLIANCE WITH
WASTE DISCHARGE REQUIREMENTS ORDER NO. 96-41
NPDES NO. CAG919002**

The San Diego Regional Water Quality Control Board (hereinafter SDRWQCB), having held a public hearing on October 24, 2001, to hear evidence and comments on the allegations contained in Complaint No. 2001-236, dated August 8, 2001, and on the recommendation for administrative assessment of mandatory minimum penalties in the amount of \$6,000 finds as follows:

1. On June 13, 1996, SDRWQCB adopted Waste Discharge Requirements for Order No. 96-41 (NPDES No. CAG919002), a General Groundwater Dewatering/Remediation Permit. On April 21, 2000, 7-Eleven Location No. 20611 was approved to discharge waste from the Dewatering/Remediation Project, located at 9805 Prospect Avenue in the city of Santee. The site discharges to the San Diego River through a storm water drain on the adjacent sidewalk under the Discharge Requirements set forth in Order 96-41.
2. In January 2001, the discharger's self-monitoring report (SMR) indicated that the total nitrogen and total phosphorus effluent concentrations exceeded the permitted limits.
3. In April 2001, the discharger's SMR indicated that the total nitrogen concentration was again above the permitted limit. The reported pH of the effluent also exceeded the permitted range.
4. In May 2001, the discharger's SMR indicated that the pH of the effluent was once again outside the permitted range.
5. Under Section 13385(i)(1) of the Porter-Cologne Water Quality Control Act, each of the five violations is subject to mandatory penalties as outlined in the following chart:

<i>Violations and Penalty Assessment (1/1/01 – 5/31/01)</i>					
Reporting Date (2001)	Pollutant	Permitted Limit/Range	Reported Value	Chronic Running Total	Penalty (\$)
January	Total Nitrogen	2.0 mg/L	12.0 mg/L	1	0
January	Total Phosphorus	0.2 mg/L	1.6 mg/L	2	0
April	Total Nitrogen	2.0 mg/L	13.0 mg/L	3	0
April	pH	6.5-8.5	8.6	4	3,000
May	pH	6.5-8.5	8.9	5	3,000
Total Penalty					\$6,000

6. The total amount of the mandatory penalty is \$6,000.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000), in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED, pursuant to Section 13385 of the California Water Code that 7-Eleven, Inc. is assessed a total mandatory penalty of \$6,000, to be paid by October 24, 2001. The check is to be made out to the State Water Resources Control Board.

JOHN H. ROBERTUS, Executive Officer

Date